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USSN 10/673,023
Attorney Docket No. 3153.00453

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Deng, et al.

Serial No. 10/673,023

Art Unit No: 1636

Filed: September 26, 2003

Examiner: Guzo, David

For: DNA VACCINE AGAINST FELINE IMMUNODEFICIENCY VIRUS

Attorney Docket No: 3153.00453

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to an Office Action dated March 24, 2005.

REMARKS

Claim 1 is currently pending in the present application and is in independent form.

Specifically referring to the Office Action, it is noted that the ADS submitted December 22, 2004, incorrectly claims the benefit of priority. Specifically, the ADS claims benefit for United States Provisional Patent Application Serial No. 60/049,980, instead of United States Provisional Patent Application Serial No. 60/138,999. In response thereto, enclosed herewith is the corrected ADS setting forth the correct claim for benefit of priority for United States Provisional Patent Application Serial No. 60/138,999.

Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Numbers 6,713,286, 6,764,676, or U.S. Patent Publication Number 2004/0096460 all to Deng, et al. According to the Office Action, claim 1 is directed towards an isolated antibody that specifically binds to a feline immunodeficiency virus (FIV) protein, wherein the isolated antibody is produced in a mammal in response to a polypeptide encoded by SEQ ID NO. 1 from nt1 to nt9464. According to the Office Action, any of the cited prior art references to Deng, et al., disclose antibodies to the FIV-141 strain. Therefore, the Office Action holds that the cited prior art references teach the claimed invention.